

New York's Tough Stalker Law

It's A Crime

For victims of a relentless stalker, common everyday noises — the ring of a phone or a knock at the door — can be frightening. Left unchecked, “stalking” or harassment cases sometimes escalate into violence, even death.

Stalking is a crime that affects people from all walks of life. While the most publicized cases are those involving celebrities, the most common victims are ex-wives and girlfriends. According to FBI statistics, over 30 percent of all female murder victims are killed in incidents of domestic violence. Many of these victims were stalked or terrorized before being murdered.

Taking a stalker off the streets may help diffuse a volatile situation or give a victim time to take steps to increase his or her safety.

Victims of stalking, menacing and harassment by family members may go to family court as well as criminal court. The law authorizes the courts to order surrender of an abuser's firearms and revoke firearms licenses. New York law also has stiff penalties for violating orders of protection and requires courts to consider domestic violence in child custody and visitation cases.

Prosecutors can prosecute more effectively if the stalking or harassment is reported to the police each time.

Penalties

Until recently, stalkers were criminals only in the eyes of their victims. In the past, victims were forced to seek protection under harassment laws, the least severe offense. Complaints to police were often futile since harassment laws were rarely enforced and carried minimal penalties. Sometimes, victims were told nothing could be done “unless a crime had been committed.”

That changed with the enactment of New York's Stalking Law, which establishes the specific offense of stalking and allows the prosecution of persons who engage in an intentional course of threatening conduct. Courts can now impose severe penalties against dangerous individuals found guilty of this crime.

Categories of Stalking and Penalties

- ◆ A person who repeatedly threatens the health, safety or property of a person, or repeatedly contacts or follows a person after being clearly told not to do so, faces up to three months in jail.
- ◆ A person who engages in a course of conduct that intentionally places another person in fear of physical injury, death or the commission of a sex offense, and any stalker who stalks three or more persons or has been previously convicted of stalking within 10 years, faces up to a year in jail.
- ◆ A person aged 21 or older who stalks a child, and a person who, while displaying a weapon, engages in a course of conduct that intentionally places another person in fear of physical injury, death or the commission of a sex offense, is guilty of a felony and faces up to four years in prison.
- ◆ A stalker who causes physical injury or commits another specified crime while stalking could face up to seven years in prison.

Important Phone Numbers

National Domestic
Violence Hotline
(800) 799-SAFE

NYS Domestic & Sexual
Violence Hotline
English.....(800) 942-6906
Spanish.....(800) 942-6908

Police or Ambulance
911

*Emergencies for the
Hearing Impaired*

New York Relay
Service
(800) 662-1220

Assemblyman
Marcos A. Crespo
www.assembly.state.ny.us
1163 Manor Avenue
Bronx, NY 10472
718-893-0202

Room 929 LOB
Albany, NY 12248
518-455-5514
crespom@assembly.state.ny.us

Domestic Violence and Stalking



*Know the Laws
that Protect You*

Provided by
Assemblyman
Marcos A. Crespo

www.assembly.state.ny.us

“Domestic violence is a crime that cannot be ignored.”

“We are committed to helping victims and severely punishing abusers.”

New York State’s Domestic Violence Law

Protecting Women From Abuse

Domestic violence is a crime that has tragic consequences for all its victims. Violence is the number one public health risk to women in the United States. To combat this alarming statistic, the Legislature passed the *Family Protection and Domestic Violence Act* and other laws to stiffen penalties for domestic crimes and increase protection for victims.

New York’s Law:

- ◆ requires police to arrest batterers who violate “stay away” orders of protection or commit a felony or a misdemeanor against another household or family member
- ◆ enables victims to bring their cases to family and criminal courts concurrently, instead of forcing victims to choose between them
- ◆ provides for orders of protection for up to two years in most cases and up to five years where serious injury occurs, a weapon is used, there is a repeated offense, or other aggravating circumstances
- ◆ requires violators face felony charges when harassing or threatening a victim during an order of protection violation
- ◆ provides that, in the case of repeated violations, including threatening phone calls, faxes or e-mail messages, violators could face up to four years in prison (seven years if a victim suffers physical injury)
- ◆ requires criminal and family courts issuing orders of protection to revoke or suspend the abuser’s firearms license as well as take away the weapon
- ◆ maintains a statewide *Orders of Protection Registry* to aid police and courts when taking action
- ◆ provides for training programs to teach police officers, judges and district attorneys how to handle domestic violence cases
- ◆ permits courts to order the batterer to pay up to \$10,000 restitution to the victim
- ◆ allows courts to give orders of protection, even when the offender does not reside in New York State, thus giving victims who live or work in New York protection
- ◆ requires courts to consider domestic violence in child custody and visitation cases
- ◆ restricts visitation/custody rights of persons convicted of murdering a child’s parent or guardian, sibling or half sibling unless the court finds visitation is in the child’s best interest or the convicted person proves the murder was in response to domestic violence
- ◆ authorizes issuing a temporary child support order and order of protection at the same time
- ◆ requires police to determine the primary physical aggressor, so that victims of domestic violence are not inappropriately arrested along with their abusers when more than one person alleges violence
- ◆ enables a local criminal court to issue a temporary order of protection, or modify a temporary order of protection issued by a family court when family and supreme court are not in session
- ◆ ensures safety for victims of domestic violence by promoting more rigorous interstate enforcement of orders of protection.

There is help

- ◆ *For immediate assistance to protect yourself, call the police.* Give a complete statement of what happened. Get the reporting officer’s name and badge number as well as a copy of the police report.
- ◆ *A victim’s rights notice is available* from the police, the courts and local hospitals explaining what police and courts can do to help.
- ◆ *You can go to Family Court and/or Criminal Court* to obtain an order of protection.
- ◆ *Contact your local domestic violence program* for support and information about services, emergency shelters and legal options.

**For information
or help:**

**Domestic
Violence Hotline
(800) 942-6906**

Did you know?

In New York State . . .

- . . . four women a week are killed as the result of domestic violence
- . . . one person is victimized by domestic violence every three minutes, 20 every hour, 432 each day and 157,680 every year

In the United States . . .

- . . . almost four million women were physically abused by their husbands or boyfriends last year alone
- . . . a woman is physically abused every nine seconds
- . . . domestic violence is the leading cause of injury to women between the ages of 14-45 — more than car accidents, muggings and rapes combined
- . . . as many as 25% of all pregnant women seeking pre-natal care are battered
- . . . thirty percent of murdered women are killed by their intimate male partners each year
- . . . each year, battering accounts for 25% of female suicide attempts and 4,000 homicides